

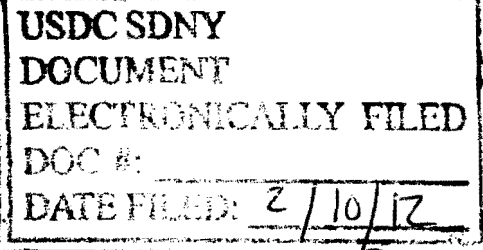
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BURBERRY LIMITED and
BURBERRY LIMITED,

Plaintiffs,

v.

JOHN DOE 1 A/K/A QIAO RENFENG A/K/A QIU
YANYANG A/K/A LIN RUI A/K/A CHEN DERONG A/K/A
XUE BINXUAN A/K/A YONGBO LI A/K/A XIAO
JINGJING A/K/A JIANG AI A/K/A XU ZHEYE XU ZHEYE
A/K/A XU ZHEYE A/K/A ZHOUMINMIN A/K/A ZHAO LI
A/K/A ZHENG LINTIAN A/K/A LINTIAN ZHENG A/K/A
CHEN CHENG A/K/A YANG CHENG A/K/A HUANG
YAYAN A/K/A WU JINGQING A/K/A WU WU A/K/A
ZHANG LILI A/K/A CHEN MINXIA A/K/A LINXICHUN
A/K/A XICHUN LIN A/K/A XU ZIMI A/K/A XU ZIMI A/K/A
HUANG BOMING A/K/A LIU GUOREN; JOHN DOE 2
A/K/A LIUQING WU A/K/A/ WU LIUQING; JOHN DOE 3
A/K/A HONGPUYI A/K/A WANGHAO A/K/A LIUTAO
A/K/A LIMEI XIAO A/K/A XIAOLIMEI; JOHN DOE 4
A/K/A CHEN XUE A/K/A CHEN DAI A/K/A CHEN DAIL
A/K/A CHEN JUN YONG A/K/A CHEN XUEFENG; JOHN
DOE 5 A/K/A WANG ZHENGLI A/K/A SUN XIAN
SHENG A/K/A XIANGSHENG WANG A/K/A WANG
ZHENG LEI A/K/A ZHENGLI WANG A/K/A ZHENG
WANG A/K/A WANG XIAN SHENG; JOHN DOE 6 A/K/A
HUANGMINJUN A/K/A WU LONGQI A/K/A LUO TINGFEI
A/K/A QINFAN; JOHN DOE 7; JOHN DOE 8 A/K/A
CHENQI A/K/A QI CHEN A/K/A JONE SMITH A/K/A LIN
LIN A/K/A FJC004 A/K/A LE LE A/K/A JAMES D. HILL;
JOHN DOE 9 A/K/A REN XIAOQING A/K/A XIAOQING
REN A/K/A SUMMER A/K/A BUSINESS A/K/A AMY
SMITH A/K/A XIONG TENG A/K/A XIONTENG A/K/A
MIKE WANG A/K/A HE QIAN A/K/A DUOSIYIBEI A/K/A
ANNIE HE; JOHN DOE 10 A/K/A JUNGLE KOO; JOHN
DOE 11 A/K/A CHEN YIFAN A/K/A ZHANG SHI A/K/A LI
CHANG A/K/A PENG PENG A/K/A WAN SAN SAN A/K/A
MENG XIANG A/K/A GAN PING A/K/A FANG PING
A/K/A CHEN ZHEN A/K/A KAI SHA A/K/A WANG BIN
BIN A/K/A PING PING A/K/A LI MEIMEI A/K/A XU
WANG A/K/A PING JIN A/K/A XUE JI MING A/K/A
BOSER BOSET A/K/A WANG JIANG A/K/A WER ERW;
JOHN DOE 12 A/K/A CHEN GUOPENG A/K/A GUOPENG
CHEN; JOHN DOE 13 A/K/A WANGZHIQIANG A/K/A



Civil Action

No.: 12 Civ. 0479

JUDGE GRIESA

~~[PROPOSED]~~ PRELIMINARY
INJUNCTION

YANG A/K/A ANDY A/K/A ONLY A/K/A LIURUOLAN; :
JOHN DOE 14 A/K/A WAN ZHENCAI A/K/A HUANG YAN :
A/K/A HUANG YAN JIN A/K/A YU MEI ZHANG A/K/A :
YANG WEN XUE; XYZ COMPANIES, AND JOHN DOES :
15-100, :
Defendants. :

[PROPOSED] PRELIMINARY INJUNCTION

Plaintiffs Burberry Limited and Burberry Limited (collectively, “Burberry” or “Plaintiffs”) commenced this action on January 20, 2012 and simultaneously moved *ex parte* for a Temporary Restraining Order, Seizure Order, Asset Restraining Order, Domain Name Transfer Order, Order for Expedited Discovery, Order Permitting Service by Electronic Mail, and Order to Show Cause for a Preliminary Injunction (“TRO”). The Court granted the Plaintiffs’ motion on January 23, 2012. The Plaintiffs filed an Affidavit of Service on the Defendants on February 2, 2012.

The Defendants, having been served with the Complaint, TRO, and related papers, have not appeared or opposed the Plaintiffs’ application for a Preliminary Injunction.

Now, the Court, having reviewed the Complaint, Memorandum of Law, supporting Declaration, and exhibits submitted herewith, finds that:

1. Plaintiffs are the owner of numerous valid and enforceable federally registered trademarks (the “Burberry Trademarks”), including the following registrations:

Registration Number	Registered Trademark	Registration Date	International Classes
1,607,316	BURBERRY	07/24/1990	09
2,624,684	BURBERRY	09/24/2002	35
1,747,765	BURBERRY	01/19/1993	14
2,875,336	BURBERRY	08/17/2004	09, 14
260,843	BURBERRY	08/27/1929	25
510,077	BURBERRY	05/24/1949	25
1,241,222	Burberry Check	06/07/1983	25
2,845,852	Burberry Check	05/25/2004	09
1,855,154	Burberry Check	09/20/1994	14
2,022,789	Burberry Check	12/17/1996	18, 24, 25, 28
3,529,814	Burberry Check	11/11/2008	18, 20, 21, 24, 25, 28, 35
2,612,272	Burberry Check	08/27/2002	35
2,732,617	Burberry Check	07/01/2003	03, 18, 25
3,202,484	BURBERRY LONDON	01/23/2007	03, 04, 09, 14, 16, 18, 20, 21, 25, 28
1,133,122	BURBERRYS	04/15/1980	18

1,622,186	Equestrian Knight Design	11/13/1990	09
2,512,119	Equestrian Knight Design	11/27/2001	03, 18
2,952,399	Equestrian Knight Design	05/17/2005	09, 14
1,903,508	Equestrian Knight Design	07/04/1995	14
863,179	Equestrian Knight Design	01/07/1969	25
2,610,329	PRORSUM	08/20/2002	25
2,654,697	PRORSUM	11/26/2002	18

2. Plaintiffs are likely to succeed in showing that Defendants are using Internet websites to offer for sale and sell products bearing counterfeits of the Burberry Trademarks (“Counterfeit Products”), to consumers in the United States;

3. The Defendants’ manufacturing, distributing, offering for sale, and selling of Counterfeit Products will result in immediate and irreparable injury to Plaintiffs if injunctive relief is not granted, including seizure of Counterfeit Products, Defendants’ means of selling and distributing Counterfeit Products, and the disclosure of records pertaining thereto is not ordered;

4. Plaintiffs have demonstrated that the Defendants are entities or individuals operating websites, as set forth in the Complaint (“Infringing Websites”), offering for sale and selling Counterfeit Products, using various Internet domain names, including, without limitation, the following one hundred fifty-four (154) domain names containing the BURBERRY® word mark or a confusingly similar variant thereof (collectively, the “Infringing Domain Names”):

- 2011Burberry-Outlet.com
- 2011BurberryOutlet.info
- 2011BurberrySale.com
- Bur-Berry.com
- Burberry-Bag-Outlets.com
- Burberry-BagOutlets.com
- Burberry-Bags-Outlet.com
- Burberry-BagsOutlet.com
- Burberry-Mens.com
- Burberry-Outlet.us
- Burberry-Outlet-Online.org
- Burberry-Outlet2011.com
- Burberry-Outlet2011.net
- Burberry-OutletSale.net
- Burberry-OutletSale.org
- Burberry-Premium-Outlet.com
- Burberry-s.com
- Burberry-Sales.net
- Burberry-Vision.com
- Burberry-Visions.com
- Burberry-Womens.com
- Burberry1856.net
- BurberryBagOutlet.org
- BurberryBags1856.net
- BurberryBorse.com
- BurberryCheapStore.com

- BurberryForCheap.com
- BurberryForSales.com
- BurberryOnline-Sale.com
- BurberryOutletOnline.com
- BurberryOutlet-Online.org
- BurberryOutlet-Onlines.net
- BurberryOutlet-s.com
- BurberryOutlet-Sale.info
- BurberryOutlet-Sale.net
- BurberryOutlet-Sale.us
- BurberryOutlet2011.org
- BurberryOutlet4u.org
- BurberryOutletA.com
- BurberryOutletB.com
- BurberryOutletC.com
- BurberryOutletD.com
- BurberryOutletDresses.com
- BurberryOutletDresss.com
- BurberryOutletE.com
- BurberryOutletF.com
- BurberryOutletFab.com
- BurberryOutletFabs.com
- BurberryOutletFactory.com
- BurberryOutletG.com
- BurberryOutleti.com
- BurberryOutletInc.com
- BurberryOutletKick.com
- BurberryOutletNew.net
- BurberryOutletOK.com
- BurberryOutletOnline.info
- BurberryOutletOnline.org
- BurberryOutletOnline-Store.net
- BurberryOutletOnline-Store.org
- BurberryOutletOnline4u.com
- BurberryOutletOnline4u.net
- BurberryOutletOnline4u.org
- BurberryOutletOnlinee.com
- BurberryOutletOnlinee.net
- BurberryOutletOnlinee.org
- BurberryOutletOnlineShops.net
- BurberryOutlettoUSA.com
- BurberryOutletSaleOK.com
- BurberryOutletSaleOnline.net
- BurberryOutletSaleT.com
- BurberryOutletScarfs.com
- BurberryOutletsDress.com
- BurberryOutletsDresses.com
- BurberryOutletSet.com
- BurberryOutletsEtin.com
- BurberryOutletss.org
- BurberryOutletUSA.com
- BurberryOutletWeb.com
- Burberrys-Vision.com
- BurberrySale-Online.com
- BurberrySale-Outlet.com
- BurberrySale-Outlet.net
- BurberrySale-USA.com
- BurberrySale365.com
- BurberrySaleOutlet.info
- BurberrySaleOutlet.net
- BurberrySaleOutlet.org
- BurberrySaleOutlet.us
- BurberrySales.net
- BurberrySaleWorld.com
- BurberryScarves.com
- BurberrySitOufficiale.com
- BurberrySitOufficiale-IT.com
- BurberrysOutletOnline.info
- BurberrysOutletsDress.com
- BurberryStoreSale.com
- BurberryVision.com
- BurberryVisions.com
- Burberryz.com
- CheapBurberry-Outlet.com
- CheapBurberry-OutletOnline.com
- CheapBurberryOutletSale.net
- CheapBurberrySaleOutlet.com
- CheapBurberrySaleOutlet.net
- CheapBurberrySaleOutlet.org
- CheapBurberrySaleOutlets.com
- CheapBurberrySaleOutlets.net
- CheapBurberrySaleOutlets.org
- CheapBurberrySelling.com
- CheapBurberrysSaleOutlet.com
- CheapBurberrysSaleOutlet.net
- CheapBurberrysSaleOutlet.org
- DiscountBurberryOutlet.com
- MyBurberrySale.com
- Online-BurberryOutlet.net
- Online-BurberryOutlet.org
- OnlineBurberryOutlet.net
- OnlinesBurberryOutlet.com

- TopBurberrySales.com
- USA-BurberryForSale.net
- USABurberryForSale.com
- USABurberryHandbagsSale.com
- USBurberry-Outlet.com
- YesBurberryVision.com
- AustraliaBurberrys.com
- BurberryBags1856.com
- BurberryBagsOutletSales.com
- BurberryForSales.net
- BurberryFR.com
- BurberryHandbagsOutlet.info
- BurberryHandbagsSale.com
- Burberry-OnlineOutlet.com
- BurberryOutletSale.co
- Burberry-OutletSale.info
- Burberry-OutletSale.us
- BurberryOutletStore.info
- Burberry-OutletStore.org
- Burberry-OutletStore.us
- Burberry-Sac-Echarpe.com
- Burberry-Sac-Echarpe.org
- Burberry-SaleOutlet.com
- Burberry-Sale-Outlet.com
- Burberry-Sale-Outlets.com
- Burberry-Scarf.us
- BurberryssOutletsDress.com
- BurberrysssOutletsDress.com
- BurberryTopShop.com
- BuyBurberrys.com
- Echarpe-Burberry-Sac.com
- Echarpe-Burberry-Sac.info
- MensBurberryOutlet.com
- Onlines-BurberryOutlet.com
- OnlinesBurberryOutlet.net
- OutletBurberrySale.org.

5. Plaintiffs' harm from denial of the requested Preliminary Injunction would outweigh any harm to Defendants' legitimate interests resulting from granting such an order;

6. Entry of an order other than a Preliminary Injunction would not adequately achieve the purposes of the Lanham Act to preserve Plaintiffs' equitable remedies for trademark counterfeiting, including: *inter alia*, the restraint of Defendants' Infringing Websites, the seizure of Defendants' means of distributing, offering for sale, and selling Counterfeit Products, including, without limitation, the Defendants' Infringing Domain Names, the acquisition of the Defendants' business records relating to Counterfeit Products, and an award to Plaintiffs of damages.

THEREFORE, IT IS HERBY ORDERED that Defendants, and their officers, agents, servants, employees, and attorneys, and all those in active concert or participation with them, are hereby PRELIMINARILY ENJOINED from:

- a. Using any simulation, reproduction, counterfeit, copy, or colorable imitation of the Burberry Trademarks (as defined herein) for and in connection with any goods or their packaging;
- b. Engaging in any course of conduct likely to cause confusion, deception, or mistake, or to injure Plaintiffs' business reputation or dilute the distinctive quality of the Burberry Trademarks;
- c. Using any false description or representation, including words or other symbols tending falsely to describe or represent Defendants' unauthorized goods or their packaging as being those of Burberry, or sponsored by or associated with Burberry, and from offering such goods into commerce;
- d. Further infringing the Burberry Trademarks by manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, renting, displaying, or otherwise disposing of any products or their packaging that bear any simulation, reproduction, counterfeit, copy, or colorable imitation of the Burberry Trademarks;
- e. Using any simulation, reproduction, counterfeit, copy, or colorable imitation of the Burberry Trademarks in connection with the promotion, advertisement, display, sale, offering for sale, manufacture, production, circulation, or distribution of any unauthorized products or their packaging in such fashion as to relate or connect, or tend to relate or connect, such products in any way to Burberry, or to any goods sold, manufactured, sponsored or approved by, or connected with Burberry;

- f. Making any statement or representation whatsoever, or using any false designation of origin or false description, or performing any act, which may or is likely to lead the trade or public, or individual members thereof, to believe that any products manufactured, distributed, or sold by Defendants are in any manner associated or connected with Burberry, or are sold, manufactured, licensed, sponsored, approved, or authorized by Burberry;
- g. Infringing the Burberry Trademarks or Plaintiffs' rights therein, or using or exploiting the Burberry Trademarks, or diluting the Burberry Trademarks;
- h. Secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records that contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, renting, or displaying of all unauthorized products that infringe or dilute the Burberry Trademarks; and
- i. Effecting assignments or transfers, forming new entities or associations, or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in any Final Judgment or Order in this action; and
- j. Using, linking, transferring, selling, exercising control over, or otherwise owning the Infringing Domain Names, or any other domain name that incorporates, in whole or in part, any of the Burberry Trademarks.

AND IT IS FURTHER ORDERED THAT DEFENDANTS IMMEDIATELY deliver up to Burberry all unauthorized products, advertisements, and packaging in their possession or

under their control bearing any of the Burberry Trademarks or any simulation, reproduction, counterfeit, copy, or colorable imitation thereof, and all plates, molds, matrices, and other means of production of same pursuant to 15 U.S.C. § 1118; and it is further

ORDERED THAT the appropriate Internet registrars and Internet registries, including without limitation Verisign, Inc. (“Verisign”), the Public Interest Registry (“PIR”), Affilias USA, Inc. (“Affilias”), and Neustar, Inc. (“Neustar”), shall remove any locks and holds placed on the Defendants’ Infringing Domain Names, and shall immediately assist in the transfer of the Defendants’ Infringing Domain Names to a gaining registrar of Plaintiffs’ choice pending trial; and it is further

ORDERED that Burberry may place a notice visible to the public on each of the Infringing Domain names that the Infringing Domain Names have been seized pursuant to this Court’s Order; and it is further

ORDERED THAT domain name registrars and domain name registries, payment providers, and webhosts (collectively “Third Party Providers”) shall upon receiving notice of this Order deliver to Plaintiffs or their representatives copies of documents and records relating to Defendants, Defendants’ Websites, Defendants’ assets, and Defendants’ business operations, including but not limited to records and data contained in electronic format, such delivery to be made in their native format; and it is further

ORDERED THAT this Preliminary Injunction remain in effect until a Permanent Injunction is entered; and it is further

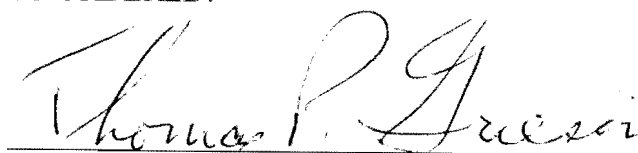
ORDERED THAT in accordance with Rule 64 of the Federal Rules of Civil Procedure, 15 U.S.C. § 1116(a) and this Court’s inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, Defendants and their officers, servants,

employees, and agents, and any persons in active concert or participation with them, and any banks, savings and loan associations or other financial institutions, merchant account providers, payment providers, or third party processors for any Defendant, any of the Defendants' Websites, or for any other website owned or controlled by Defendants, who receive actual notice of this Order, shall immediately locate all accounts connected to Defendants or Defendants' Websites, including without limitation PayPal and credit card accounts (including but not limited to MasterCard, Visa, and American Express accounts), and such accounts shall remain preliminarily restrained and enjoined from transferring or disposing of any money, stocks, or other of Defendants' assets, without prior approval of the Court, until trial; and it is further

ORDERED that, pursuant to 15 U.S.C. § 1125 (d)(1)(C), the Infringing Domain Names shall be transferred to Plaintiffs pending trial.

Defendants are hereby given further notice that they shall be deemed to have actual notice of the issuance and terms of such Preliminary Injunction and any act by them or any one of them in violation of any of the terms thereof may be considered and prosecuted as contempt of this Court.

SO ORDERED:

A handwritten signature in black ink, reading "Thomas P. Griesa", written over a horizontal line.

Hon. Thomas P. Griesa
United States District Court Judge

Dated: February 9, 2012